

FORM 26. Docketing Statement

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July 2020

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

DOCKETING STATEMENT

Case Number: 25-1747**Short Case Caption:** Driscoll's, Inc. v. California Berry Cultivars, LLC**Filing Party/Entity:** Driscoll's, Inc.; Driscoll's of Europe B.V.

Instructions: Complete each section or check the box if a section is intentionally blank or not applicable. Attach additional pages as needed. Refer to the court's Mediation Guidelines for filing requirements. An amended docketing statement is required for each new appeal or cross-appeal consolidated after first filing.

Case Origin	Originating Number	Type of Case
E.D. Cal.	2:19-cv-00493	Patent

Relief sought on appeal: ☐ None/Not Applicable

Reversal or vacatur of the district court's dismissal and summary judgment rulings adverse to Driscoll's, Inc. and Driscoll's of Europe B.V. (collectively, "Driscoll's")

Relief awarded below (if damages, specify): ☐ None/Not Applicable

On July 6, 2021, the district court dismissed Driscoll's claim for conversion. On March 29, 2022, the district court dismissed Driscoll's state-law claims for intentional interference with a contract and unfair competition. On March 26, 2025, the district court granted summary judgment of noninfringement of U.S. Plant Patent Nos. 18,878, 22,247, and 23,400.

Briefly describe the judgment/order appealed from:

On April 7, 2025, the district court entered an order stating "JUDGMENT IS HEREBY ENTERED IN ACCORDANCE WITH THE COURT'S ORDER FILED ON 4/7/2025." That order did not resolve all of California Berry Cultivars, LLC ("CBC")'s and Douglas Shaw's counterclaims.

Nature of judgment (select one):

Date of judgment: 4/7/25

☐ Final Judgment, 28 USC § 1295☐ Rule 54(b)☐ Interlocutory Order (specify type)☒ Other (explain)

The court's order did not resolve all CBC's and Dr. Shaw's counterclaims.

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Name and docket number of any related cases pending before this court, and the name of the writing judge if an opinion was issued. ☒ None/Not Applicable

Issues to be raised on appeal: ☐ None/Not Applicable

Whether to reverse or vacate the district court's dismissal and summary judgment rulings adverse to Driscoll's.

Have there been discussions with other parties related to settlement of this case?

☒ Yes ☐ No

If "yes," when were the last such discussions?

- ☐ Before the case was filed below
- ☒ During the pendency of the case below
- ☐ Following the judgment/order appealed from

If "yes," were the settlement discussions mediated? ☒ Yes ☐ No

If they were mediated, by whom?

Hon. Irma E. Gonzales (Ret.)

Do you believe that this case may be amenable to mediation? ☐ Yes ☒ No

Explain.

There are fundamental disagreements between the parties that further mediation is unlikely to resolve

Provide any other information relevant to the inclusion of this case in the court's mediation program.

N/A

Date: 05/16/2025

Signature: /s/ Brian R. Matsui

Name: Brian R. Matsui